

Remarks:

Claims 1, 18, 20 and 22 have been amended, and new claims 29-38 have been added. Claims 12-18, 20, 22 and 29-38 are currently pending in this application.

Claim 12 has been amended to clarify that the step of aspirating (step i)) is followed by the step of aspirating (step ii)). Support for this amendment is provided, for example, at page 11, lines 3-5.

Claims 12 and 18 have been amended to replace the term “sample” with the term “fluid”. Support for this amendment is provided, for example, at page 3, line 11; page 4, lines 3-5; and page 8, lines 20-23.

In addition, claim 12 has been amended to specify in step iii) that the second dispensing tip is inserted into the first end of the sealed dispensing tip containing the fluid introduced in step i), and that a portion or all of the fluid from the sealed dispensing tip is aspirated into the second dispensing tip. Support for these amendments is provided, for example, at page 7, lines 6-9.

Claim 20 has been made dependent on new claim 30 instead of claim 12.

Claim 22 has been amended to replace the term “sample” with the term —mixture—, for consistency with the term “mixture” used in claim 20, upon which claim 22 is dependent.

New claims 29-30 are based on claim 12.

Support for new claims 31-33 may be found in claims 12 and 13, and for example, at page 11, lines 3-5; page 3, line 11; page 4, lines 3-5; page 8, lines 20-23; and page 7, lines 6-9.

New claims 34-36, 37 and 38 are based on claims 16-18, 20 and 22, respectively.

The related application information on page 1 has been amended to refer to International Application No. PCT/CA99/00236, and to specify that U.S. Application Serial No. 09/664,704 is now abandoned.

Page 13, line 2 has been amended to replace the term “female” with the term —male—. Based on the reading of this line it is clear that this amendment represents the correction of an obvious error.

Summary of Telephone Interview with Examiner:

On August 6, 2004, Applicant’s attorney conducted a telephone interview with Examiner Marschel regarding proposed amendments to the claims, and regarding the priority claim of the present application. In the interview, Examiner Marschel indicated that amendment of claim 12 to specify that step i) is *followed by* step ii), and to indicate that the recited sample is liquid would be acceptable providing these amendments were supported by the specification. In addition, support for the subject matter of claim 12 within the priority document was discussed.

Priority Documents:

Examiner has asserted that the reference to earlier-filed U.S. Application Serial No. 09/664,704 on page 1 of the description is allegedly incomplete for not including the present status of that application. The Related Application information on page 1 of the description has been

amended to specify that U.S. Application Serial No. 09/664,704 is abandoned. In addition, the Related Application information has been amended to specify that U.S. Application Serial No. 09/664,704 is a continuation of PCT/CA99/00236, filed March 19, 1999.

Claim Rejections under 35 U.S.C. 112:

Examiner has rejected claims 12-18, 20 and 22 as allegedly being indefinite with regard to the step of sealing the second end of the first dispensing tip. Applicant has addressed Examiner's objection by amending claim 12 to specify that the sample is a fluid, and that the first dispensing tip is sealed to produce a sealed dispensing tip *containing* the fluid.

Claim Rejections under 35 U.S.C. 102:

Examiner has alleged that U.S. Provisional Application Serial No. 60/078,780 fails to provide written support for the presently pending claims, and, as a consequence, has rejected claims 12, 13 and 16 under 35 U.S.C. 102(e)(2) as allegedly being unpatentable over U.S. Patent No. 6,368,872 (Juranas). Applicant respectfully disagrees with Examiner.

Applicant respectfully asserts that U.S. Provisional Application Serial No. 60/078,780 provides support for the subject matter of the presently pending claims at, for example, page 10, lines 6 to 19 and page 11, lines 1 to 12 of the description. Furthermore, it is respectfully asserted that the specification of International Application No. PCT/CA99/00236, which has a filing date of March 19, 1999, and from which the present application was filed as a continuation, also provides support for the subject matter of the currently pending claims at, for example, page 7, lines 9-11 and 31-32,

page 8, lines 8-14; and page 10, lines 2-18 and 25-35.

Applicant, therefore, respectfully asserts that the present application is entitled to the priority dates of both U.S. Provisional Application Serial No. 60/078,780 and International Application No. PCT/CA99/00236. As the filing date of Juranas does not precede the filing date of either U.S. Provisional Application Serial No. 60/078,780 or International Application No. PCT/CA99/00236, Applicant respectfully submits that Juranas is not citable under 35 U.S.C. 102 (e)(2). Nevertheless, Applicant has elected to amend claim 12 for the sake of improved clarity.

Even though Applicant does not believe that Juranas is citable against claims 12-13 and 16, for the sake of completeness, Applicant provides the following comments, which indicate the manner in which the method of the presently amended claims are distinguished from the prior art method disclosed in Juranas.

Juranas discloses a prior art method of sample processing, comprising extending a nozzle 22, mounted within sheath 18, beyond the end of the sheath, to engage the upper end of a molded pipette tip 30 and mount the pipette tip 30 onto nozzle 22 (see column 4, lines 15-19). The mounted pipette tip 30 is next positioned over and lowered into a reagent contained in reservoir 32, and an amount of the reagent is suctioned into pipette tip 30 using an air pressure control source connected to nozzle 22 through tubing 26 (see column 4, lines 19-24 and 28-30). The mounted pipette tip containing the reagent is then positioned over a selected site on test grid 34, and the reagent is then released into the site by applying air pressure through nozzle 22 (see column 4, lines 33-29).

Claim 12 as currently amended, and new claim 29 specify that the step of aspirating a fluid into the first dispensing tip is followed by a step of sealing the sealable end of the dispensing tip to

produce a sealed dispensing tip *containing* the fluid. As indicated above, the prior art method disclosed in Juranus comprises first engaging the top of a pipette tip with a nozzle to produce a sealed top end, followed by aspirating a reagent into the first pipette tip. Claim 12, as amended, and new claim 31, are, therefore, novel in view of Juranus. Claims 13 and 16, which contain the limitations of amended claim 12, are also novel over Juranus.

Examiner is, therefore, respectfully requested to withdraw the rejections against claims 12, 13 and 16 under 35 U.S.C. 102(e)(2).

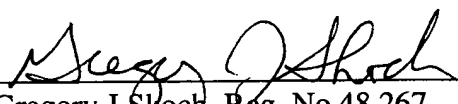
It is respectfully submitted that the above-identified application is now in a condition for allowance and favorable reconsideration and prompt allowance of these claims are respectfully requested. Should the Examiner believe that anything further is desirable in order to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

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